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and Johnny Youngblood*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STEVEN D. RICHARD,
Plaintiff,

v.

GREG COX, *et al.*,
Defendants.

Case No. 2:12-cv-1236-GMN-CWH

**MOTION FOR EXTENSION OF TIME TO FILE
MOTIONS FOR SUMMARY JUDGMENT**

AND ORDER THEREON

Defendants James G. Cox, Brian Connett, Sheryl Foster, Brian E. Williams, Sr., Cheryl Burson, Tanya Hill and Johnny Youngblood, by and through counsel, ADAM PAUL LAXALT, Nevada Attorney General, and ERIC N. TRAN, Deputy Attorney General, of the State of

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Nevada, Office of the Attorney General, hereby submit this Motion for Extension of Time to
File Motions for Summary Judgment

DATED this 29th day of May, 2015.

Respectfully submitted,

ADAM PAUL LAXALT
Nevada Attorney General

By: /s/ Eric N. Tran
ERIC N. TRAN
Deputy Attorney General
Nevada Bar No. 11876
Attorneys for Defendants

MEMORANDUM OF POINTS AND AUTHORITIES

I. LEGAL ARGUMENT

Plaintiff Steven D. Richard is a former inmate of the Nevada Department of Corrections (“NDOC”). Plaintiff filed his Civil Rights Complaint asserting that several employees of the NDOC violated his constitutional rights while he was incarcerated at Southern Desert Correctional Center (“SDCC”). Dkt. # 11. Plaintiff’s Complaint alleges that employees at SDCC violated his First and Fourteenth Amendment rights by denying him a meatless diet to accommodate his religious belief. *Id.* Plaintiff also alleges that employees at SDCC violated his First Amendment Rights by denying him the ability to wear his Rastafarian religious headwear. *Id.*

On January 30, 2015, this Court issued a Scheduling Order stating that Motions for Summary Judgment shall be filed and served by May 30, 2015. Dkt. # 30. However, Defendants’ counsel’s dispositive motions calendar in other cases has greatly impacted Defendants’ counsel’s ability to file a motion for summary judgment by the May 30, 2015 deadline. For example, Defendants’ counsel has been working on a motion for summary

1 judgment in *Harden v. Correctional Officer Soboro et. al.*, 14-cv-00560-JAD-NJK that was due
2 on May 8, 2015. In addition, Defendants' counsel has been working on motions for summary
3 judgment in *Roy Bell v. State of Nevada.*, 14-cv-0476-RFB-NJK that was due on May 12,
4 2015; and *Jeffrey Williams v. Nevada Depart. of Corrections*, 13-cv-00941-JAD-VCF due was
5 on May 20, 2015.

6 Defendants' counsel was out of town for the holiday weekend from May 22, 2015
7 through May 25, 2015. Defendants' counsel was also newly assigned to this case.

8 FRCP 6(b)(1) states that "[w]hen an act may or must be done within a specified time,
9 the court may, for good cause, extend the time." Here, the holiday weekend plus Defendant's
10 counsel's recent dispositive motions calendar has greatly impacted Defendants' ability to file a
11 motion for summary judgment by the May 30, 2015 deadline. Defendants now submit this
12 Motion for Extension of Time to file Motions for Summary Judgment. Defendants request a 45-
13 day extension of time from the present deadline up to July 14, 2015 to file a motion for
14 summary judgment. This request for an extension of time to file motions for summary
15 judgment is made in good faith and not for the purpose of delay.

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18 **A. Discovery Completed.**

- 19 1. Plaintiff did not conduct any discovery.
20 2. Defendants did not conduct any discovery.
21 3. Discovery closed on April 30, 2015.

22 **B. Discovery Which Remains to be Completed.**

- 23 4. Discovery in this case closed on April 30, 2015. Defendants do not intend to
24 conduct any further discovery.

25 **C. Reasons Why Deadline Was Not Satisfied.**
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As stated above, the holiday weekend plus Defendant's counsel's recent dispositive motions calendar has greatly impacted Defendants' ability to file a motion for summary judgment by the May 30, 2015 deadline.

D. Proposed Schedule for Completing All Remaining Discovery.

Defendants are not seeking to extend the discovery deadline. Instead, Defendants are seeking a 45-day enlargement of time from the present deadline up to July 14, 2015 to file a motion for summary judgment.

II. CONCLUSION

Based on the foregoing, Defendants request a 45-day extension of time from the present deadline up to July 14, 2015 to file a motion for summary judgment.

DATED this 29th day of May, 2015.

ADAM PAUL LAXALT
Attorney General

By: /s/ Eric Tran
ERIC N. TRAN
Deputy Attorney General
Attorneys for Defendants

IT IS SO ORDERED.



Gloria M. Navarro, Chief Judge
United States District Court

DATED: 06/04/2015